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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	) Mag. Case No. '08 MJ 9029
Plaintiff,	) COMPLAINT FOR VIOLATION OF:
v.	) Title 8, U.S.C., Section 1324(a)(1)(A)(iii) Harboring Illegal Aliens
Jesus Francisco GONZALEZ,	)
Defendant	)

The undersigned complainant, being duly sworn, states:

On or about October 21, 2008, within the Southern District of California, defendant Jesus Francisco GONZALEZ, knowing and in reckless disregard of the fact that an alien, namely, Francisco MORENO-Vizcarra and Roque RODRIGUEZ-Juarez,had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection and attempt to conceal, harbor and shield from detection such alien in a building located at; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

OSCAR U. SANCHEZ
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 22nd DAY OF OCTOBER 2008.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Jesus Francisco GONZALEZ

STATEMENT OF FACTS

The complainant states this complaint is based upon statements in the investigative reports by U. S. Border Patrol Agent D. Blake that on October 21, 2008, the defendant, Jesus Francisco GONZALEZ (GONZALEZ) a United States citizen, was apprehended in Calexico, California, along with two (2) undocumented aliens from Mexico, in violation of law.

On or about October 15, 2008, at approximately 10:00 P.M. Agent Vega-Torres encountered GONZALEZ and a white Chrysler New Yorker. Agent Vega-Torres noticed this Chrysler had a Mexico Registration plate of BAC3873. Agent Vega-Torres also noticed the registration plate did not match the Mexico registration window sticker. Agent Vega-Torres was close enough to GONZALEZ to clearly hear him talking to someone else. Agent Vega-Torres could hear them talking about how the "pollos" had been caught by the Border Patrol and they should drive around and come back later to attempt to smuggle again. After GONZALEZ drove away in the Chrysler, agents were not able to maintain a visual on him and lost sight of GONZALEZ.

On or about October 21, 2008, at approximately 12:00 A.M. Agent Vega-Torres was performing his assigned duties in the downtown Calexico area. Agent Vega-Torres encountered GONZALEZ and observed he was operating the same white Chrysler New Yorker. Agent Vega-Torres remembered this Chrysler and GONZALES from the encounter he previously had with him. The Chrysler had the same mismatched Mexico registration information on this occasion too.

Agent Vega-Torres followed GONZALEZ as he drove though areas in the city of Calexico. Agent Vega-Torres observed GONZALEZ stop at the intersection of Anza Road and Cesar Chavez Avenue. GONZALEZ got out of the Chrysler and stood by the stop sign where he engaged in a conversation in a cell phone. At the same time other agents in the area were advising of a group of illegal entrants slowly making their way north from the International Border area. Agent Vega-Torres advised Agent Blake of his observations and experience with GONZALEZ. Agent Blake advised Agent Vega-Torres he would continue to observe GONZALEZ and the Chrysler.

GONZALEZ was later seen by several agents circling the area both on foot and in the Chrysler. GONZALEZ was approached by the agents and questioned as to his activities in the area. GONZALEZ told agents he lost his wallet and was looking for it. GONZALEZ stated he had no intention of committing any crimes and stated he would leave the area and return home to alleviate any suspicions about his activities.

Approximately thirty minutes later, agents observed GONZALEZ in the vicinity of Third Street and Emerson Avenue. Shortly the Calexico Border Patrol Station's Remote Video Surveillance (RVSS) Operator notified agents the group of three illegal entrants were now running towards the Chrysler.

Agent Blake arrived in the area and observed the illegal entrants attempt to get into the Chrysler, but when the group spotted Agent Blake, they ran in the direction of a local business instead. Agent L. Marroquin located two of the illegal entrants. Agent Marroquin questioned them and determined they are citizens of Mexico illegally in the United States. GONZALEZ was arrested along with the two illegal entrants.

GONZALEZ was advised of his rights as per Miranda. GONZALEZ stated he understood his rights and was willing to speak with agents without an attorney present. GONZALEZ stated he was approached by an unknown smuggler and offered a job smuggling illegal aliens for an undetermined amount of money. GONZALEZ stated he has been paid the amount of $1,000.00 for prior successful smuggling attempts. GONZALEZ stated he was waiting to pick up the illegal aliens.

Material Witnesses Roque RODRIGUEZ-Juarez (RODRIGUEZ) and Francisco Javier MORENO-Vizcarra (MORENO) stated arrangements were made with a smuggler in Mexico to be smuggled into the United States for the fee of $2,000.00. RODRIGUEZ and MORENO stated they were told to follow the third individual, who was a smuggler, to an awaiting vehicle. RODRIGUEZ and MORENO stated they were to board this vehicle and continue to their final destination. RODRIGUEZ and MORENO stated the smuggler told them to keep running instead of boarding the vehicle.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Francisco MORENO-Vizcarra	Mexico
Roque RODRIGUEZ-Juarez	Mexico

Further, complainant states that Francisco MORENO-Vizcarra and Roque RODRIGUEZ-Juarez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.